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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,592	11/14/2003	Jackson Lum	812-2 CIP/CON II/CIP	3232
23869	7590	07/05/2006	EXAMINER	
HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791			SALAD, ABDULLAHI ELMI	
			ART UNIT	PAPER NUMBER
			2157	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/714,592

Applicant(s)

LUM, JACKSON

Examiner

Salad E. Abdullahi

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/15/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Detailed Action***

1. This application has been reviewed. Claims 1-20 are pending. The rejection cited stated below.

**Double Patenting**

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-20 are is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-20 of U.S. Patent No.

Art Unit: 2157

6,272,529. Although the conflicting claims are not identical, they are not patentably distinct from each other because the only difference between claim 1 of the instant application and claim 1 of the Patent is that the following language was added to claim 1 of the instant application:

**“a communications link selected from the group consisting of RS-232, USB (Universal Serial Bus), Ethernet, Bluetooth, and infrared;”**

4. Claim 1 of the instant application is compared to claim 1 of the Patent in the table below.

In view of the “obviousness - type” double patenting rationale enunciated in *Georgia Pacific Corp v United States Gypsum Co.*, 52 USPQ2d 1590, U.S. Court of Appeals Federal Circuit 1999, instant application claim 6 merely defines an obvious variation of the invention claimed in the co-pending application claim 6.

The above added limitation describes a subset of all possible conditions being monitored in the Patented claim 1. As in the *Georgia Pacific* case claim 1 of the instant application is merely a subset of claim 1 of the Patented claim 1. For example, **“a communications link selected from the group consisting of RS-232, USB (Universal Serial Bus), Ethernet, Bluetooth, and infrared;”** as recited in claim 1 of the instant application is a subset of a communications system, as recited in claim 1 of the Patent. Therefore, it would have been obvious to having ordinary skill in the art at the time of the invention presented with the teaching of Lum to utilize such communications links such that the distributed computer system would enabled to communicate variety of communication links, thus enhancing distributed computer

Art Unit: 2157

system ability to communicate with varies terminals.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

<p><b>Claim 1 of the instant Application No. 10/714,592</b>  A distributed computer network for use with a general purpose computer having a communications port and capable of running application software for controlling the network, comprising:</p> <p>-----</p> <p>a master controller having first and second communications ports, the first communications port of said master controller for operatively communicating with a general purpose computer</p> <p>-----</p> <p><b>via a communications link selected from the group consisting of RS-232, USB (Universal Serial Bus), Ethernet, Bluetooth, and infrared,</b></p> <p>-----</p> <p>the second communications port for operatively communicating over a distributed computer network, said master controller having a processor and memory to provide data buffering and data bus arbitration over the distributed computer network; and</p> <p>-----</p> <p>an input/output controller having first and second communications ports, said first communications port of said input/output controller for operatively communicating with the second communications port of the master controller, wherein said communication</p>	<p><b>Claim 1 of the patent NO. 6,272,529</b>  A distributed computer network for use with a general purpose computer having a communications port and capable of running application software for controlling the network, comprising:</p> <p>-----</p> <p>a master controller having first and second communications ports, the first communications port of said master controller for operatively communicating with a general purpose computer and</p> <p>-----</p> <p>the second communications port for operatively communicating over a distributed computer network, said master controller having a processor and memory to provide data buffering and data bus arbitration over the distributed computer network; and</p> <p>-----</p> <p>an input/output controller having first and second communications ports, said first communications port of said input/output controller for operatively communicating with the second communications port of the master controller, wherein said communication between said master</p>
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between said master controller and said input/output controller is carried out over said distributed computer network, and said second communications port of said input/output controller for operatively communicating with one or more peripheral devices, wherein said communication between said input/output controller and said peripheral devices is carried out over a local network, said input/output controller having the capacity to communicate simultaneously with said peripheral devices using more than one communication protocol; and wherein said input/output controller performs local network management functions and translates commands from the application software to said peripheral devices.	controller and said input/output controller is carried out over said distributed computer network, and said second communications port of said input/output controller for operatively communicating with one or more peripheral devices, wherein said communication between said input/output controller and said peripheral devices is carried out over a local network, said input/output controller having the capacity to communicate simultaneously with said peripheral devices using more than one communication protocol; and wherein said input/output controller performs local network management functions and translates commands from the application software to said peripheral devices.
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As per claims 2-20 of the instant application see claims 2-20 of the patented claims.


### CONCLUSION

5. The prior art made of record and relied upon is considered pertinent to the applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Salad E. Abdullahi whose telephone number is 571-272-4009. The examiner can normally be reached on 8:30 - 5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Art Unit: 2157

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Abdullahi Salad  
Primary Examiner  
6/19/2006

  
ABDULLAHISALAD  
PRIMARY EXAMINER